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People in communities throughout Idaho have expressed interest in forming farmers' markets. While more than twenty markets are presently operating in Idaho, many more are yet to be formed. This handbook is intended to be a resource for individuals and groups who wish to establish farmers' markets. Although not exhaustive in nature, this resource provides useful information on the many factors necessary for the creation and operation of a successful farmers' market.

Few people today would expect to see the actual farmer selling farm-fresh produce directly to the consumer. Yet a farmers' market is just that - a location where farmers and gardeners sell those fresh fruits, vegetables, nuts, eggs, honey and other commodities they have produced.

The recent success of farmers' markets has taken many by surprise. For others, this is a tradition that has been in place for centuries. Many consumers are tiring of the sterility of narrow supermarket aisles and opting to shop at bustling open-air markets alive with a mix of farmers and shoppers. In most areas, the farmers' market has become as much a social event as a point of sale. The nostalgia of buying agricultural products directly from their producer attracts many customers. Other customers are drawn by the search for superior quality, exceptional prices or the opportunity to talk to the person who grew the product they are about to buy. Even festivities such as small concerts and amusing themes can be used to help routine produce shopping blossom into a farmers' market ripe with activity.

The purpose of this handbook is to help organizers establish their own farmers' market. It is designed to guide you through the creation of a farmers' market and provides supplemental information on various useful topics. The sequence of events included in this handbook, however, may differ somewhat from your market. Therein lies the uniqueness of your planned market.



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GETTING STARTED

Every farmers' market begins differently. Location, population, economic base, organizers, weather patterns, and other factors will influence the way a market comes together. A metropolitan city with goals of downtown development will have a different set of priorities, problems and resources than a smaller, rural community. Because of the many possible environments for a farmers' market, it is up to the reader to determine what organizational structure will best serve your particular situation. However, the organization of most farmers' markets begins with an individual. As the farmers' market evolves, small groups or committees are formed which take over various organizational functions. Occasionally, established non-profit organizations or local businesses organize and operate farmers' markets. But regardless of these variations, certain activities usually take place during the development of a farmers' market.

Make Local Inquiries

A farmers' market will never be successful without the interest, support and efforts of the community. As the organizer, you must "test the waters" to determine whether or not there is enough support for the market. But before you start meeting with people, there are a few things you must do.

First, make sure you have a distinct idea of your goals and can clearly articulate them. If you are not sure about what you are trying to establish, you may get, at best, a mediocre response. Once you have clearly defined your purpose, prepare a short summary of your intentions so that you can leave

them with each person you contact. Make certain that your name and phone number are on the hand-out.

AGRICULTURAL ORGANIZATIONS

- Idaho State Department of Agriculture, Agricultural Marketing and Development
- University of Idaho, College of Agriculture, Cooperative Extension Service
- County Farm Bureau
- Future Farmers of America Chapters
- Local Grange Associations
- School or University Agriculture Departments
- Community Garden Clubs

CONSUMER/CIVIC/RELIGIOUS ORGANIZATIONS

- Food Banks
- Consumer Cooperatives
- Food Buying Clubs
- County Nutrition Programs
- Church Groups (most have a newsletter)
- Service Organizations (Elks, Rotary, etc.)
- Chamber of Commerce
- Downtown Development/Merchants Association

MEDIA ORGANIZATIONS

- **Newspapers**-- find out who reports on community and agricultural events and ask if they would like to be kept informed of the market's progress.
- **Radio**-- try to get free public service announcements or short "community interest" bulletins.
- **Television**-- save these contacts for events such as a big meeting or opening day.

As you set out to measure support for a farmers' market, don't neglect to contact the various groups and organizations in your community.

When you have developed a list of people and groups to be contacted, you are ready to hit the streets. Be sure to take along a pen, your handout and plenty of paper for recording the contacts you have made. Never leave a good contact without obtaining his or her name, address or phone number. The information you gather should then be compiled into a mailing list. This information will allow you to quickly mobilize a strong support base as well as provide a mailing list for future market newsletters.

Making Grower Contacts

You should have enough feedback after several weeks of general inquiries to know whether or not to proceed. Assuming the response has been favorable, it is time to begin making contact with the farmers who will be supplying the market. Find out which farmers are interested, what crops they will grow, when the crops will be ready for market, and when they can attend a meeting. Do not forget to record each farmer's contact information for a separate farmer mailing list. Keeping them separate will save you time when only the farmers need to be contacted.

The most difficult part of establishing a farmers' market may be locating the farmers and gardeners. While the best contact is person to person, you may have to rely partly on a few well-placed posters, radio announcements, and word of mouth. It is

also a good idea to contact the editor of the local newspaper about doing a story on the possibility of starting a farmers' market in the community.

However, rely on these methods only to get producers in touch with you. Making contact in person is an absolute must. Without it, you will not be able to develop a pool of committed growers. And without their time and energy, no market can succeed.

The best candidates for growers are usually small-scale farmers and large-scale gardeners, but neither will participate unless they have an incentive. Share with them the following advantages of selling at a farmers' market:

- ◆ Higher returns
- ◆ Growers set their own prices
- ◆ Cash sales, immediate payments
- ◆ Maximize utilization of family labor
- ◆ Opportunity to meet the consumers
- ◆ Additional outlet for their produce
- ◆ Good educational experience for the younger generations
- ◆ Market research to identify demand for specialty products
- ◆ IT'S JUST PLAIN FUN!



The First Meeting

The first meeting for a potential farmers' market is unique in that it will serve as the basis for all subsequent activity. In most cases, the audience will not only support the concept but will make the transition from talking about the market to working on it. Although a significant amount of work has gone into organization prior to the first meeting, this is most often the turning point that will mark the birth of the market and relieve you of much of the work.

Before you look over the suggested meeting agenda on the next page, keep several things in mind. When talking to your audience, move from general to specific. Start with ideas rather than details. Do a good job of explaining the benefits to both the producer and the consumer. Use plenty of visual aids such as graphs, slides, signs, drawings and/or handouts.

After presenting your case, you need to ask two key questions:

- ◆ Does the audience like the concept?
 - ◆ Do they want to start a market in their community?
-

If you have explained the concept well, dispelled the misconceptions of what a farmers' market is about and have shown a reasonable chance for success, you should receive a "yes" to both questions.

At this first meeting choose the location of subsequent meetings based on proximity to the growers, not proximity to the market site. If the majority of the growers are from a particular area, then hold the meeting in that area. Once the market is operating, you can hold short meetings at the end of the market day.

While not absolutely necessary, it would be a good idea to organize one or two meetings with the growers soon after the first meeting. The objective of these meetings should be to introduce growers to the concept of the farmers' market and to develop a planting strategy to ensure produce availability for opening day. It is important to know what each grower will have and when it will be available. If you put this information in table form, you will be able to spot the gaps more easily and make subsequent adjustments to grower's planting schedules.

If several interested growers are concerned that they cannot grow enough produce to participate, **DON'T LEAVE THEM OUT!** Instead, discuss the desirability of a consignment booth. Consignment booths at other farmers' markets have had great success. The booth is run by the market association, which typically charges the consignor about 10 - 15% of his or her total sales. The grower simply brings his/her produce to the booth prior to opening, with the prices already marked. Sales of a particular grower's produce are recorded separately and at the end of the day, the market takes its commission and pays out the rest.

A rules committee needs to be formed at this juncture. In order for opening day to run smoothly, a committee composed of growers and organizers

should develop guidelines for the market. Make sure that all participants are given the opportunity to participate in the development of market rules and regulations. Market hours, criteria for membership and product guidelines are all important issues that will serve as a foundation for your market. Another item you may wish to discuss is the creation of a market association.

During the meeting, be alert for growers with leadership ability or organizational skills. Make every effort to build an internal structure that will be able to survive conflict or the loss of a key sponsor or organizer. Identifying leaders early will allow you time to prepare them to take charge when the need arises.

Market associations:

- Establish market policy guidelines
- Provide market start-up capital through membership fees
- Present unified support for the market
- Facilitate communication among growers
- Undertake many other farming or marketing-related activities



Sample Agenda

I. Introduction of Speakers/Distinguished Guests

- Organizer
- Speakers
- Other market organizers/sponsors
- Guests

II. General Explanation of the Market

- What it is
- Advantages to producers
- Advantages to consumers
- Slide show or presentation by established farmers' market

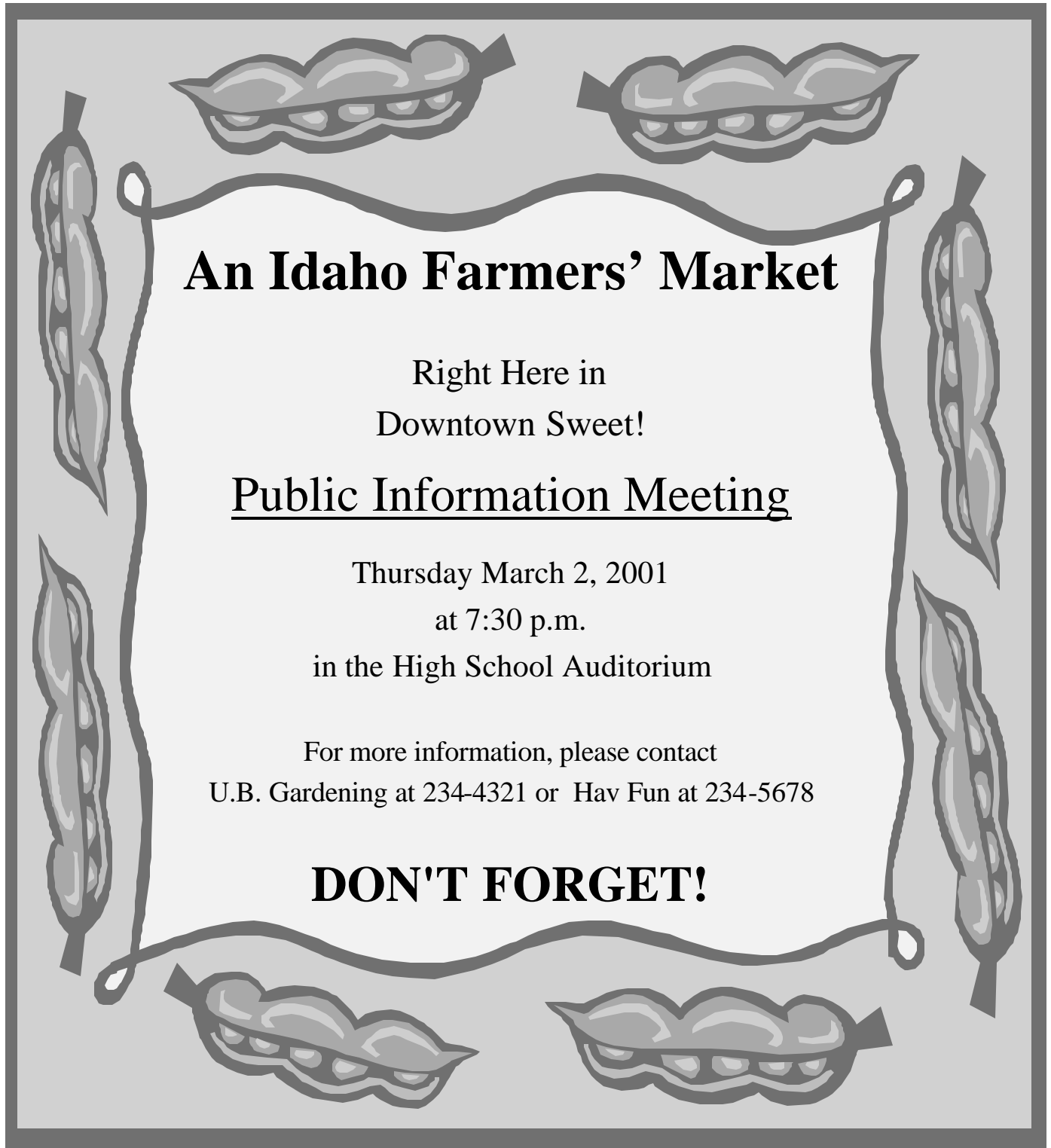
III. After You Get the Go-Ahead

- Stress that careful planning and preparation are necessary
- Establish committees for grower recruitment, market location selection, advertising, finances, and rules and regulations
- Begin to discuss what produce will be available and which will need to be grown
- Form a rules committee composed of both growers and organizers
- Discuss feasibility of creating a market association

IV. Set the Next Meeting Date

- Preferably in one or two weeks so that interest is not lost
- Expect preliminary reports from the committees

Sample Recruitment Poster



Publicizing Your Market

Since the success of your farmers' market depends to a large extent on the number of people participating, publicity will be extremely important. No matter what method you use, the message must be both informative and motivational. If you are able to effectively publicize both the organization and the activities of your market, then the logistical planning of your market will be much easier to perform.

First, contact the Idaho State Department of Agriculture at (208) 332-8530 and request your market be included in the "The Guide to Idaho's Farmers' Markets." This publication is produced each spring and is sent to local travel centers, chambers of commerce and University of Idaho County Extension Offices. It contains information on all of the farmers' markets in the state, their locations and market contacts. The next step will be to develop a media mailing list. Include all local newspapers, radio, television, and organizational newsletters. You can obtain a statewide media directory free of charge by contacting US West at (208) 385-2563.

The best form of publicity depends on the message you are sending and the audience you are trying to reach. An effective piece of publicity takes forethought and planning. Free publicity in the form of public service announcements on radio, television, and in newspapers is usually the most effective. These types of messages are read out of interest for the information they convey. Many people tend to block out or ignore advertisements.

Press Releases

The basic vehicle for getting your message to the media is a press release. Here are a few of the basics for preparing a press release:

1. Don't be wordy. Keep your message concise and to the point.
2. The lead sentence should contain the main point of the story. Without being awkward, it will answer as much of who, what, when, why and how as possible.
3. The body of the release builds on the central facts, supporting and expanding on them.
4. The release should be typed, double spaced, and have at least a one-inch margin on all sides.
5. At the top of the page type the name, address and telephone number of your organization's contact person.
6. Also at the top, type FOR IMMEDIATE RELEASE or specify a release date.
7. If you need more than one page, type the word MORE on the bottom of the first page.
8. Centered below the last line of the story, type the page number as -#- (i.e. -2-).
9. Ensure that everyone has a copy at least one week before you wish your press release to appear.
10. Follow up the mailing with phone calls asking if they can use the story or need additional information.

GETTING STARTED

Your first press release should accomplish several things. It should inform the public that a market is forming, it should solicit growers, and it should

Public Service Announcements

Public Service Announcements (PSAs) are free radio and television spots for community activities.

FOR IMMEDIATE RELEASE

April 27, 2001

Contact person: Mandi Thompson, (208) 332-8535

2001 Farmers' Market Season Kicks Off

Spring is here, the growing season is upon us, and Idaho farmers' markets will soon be offering fresh locally-grown fruits, vegetables, herbs, honey, farm fresh eggs and fresh cut flowers to consumers.

Farmers' markets are rapidly gaining popularity in the Treasure Valley and across Idaho as consumer interest in organically grown and locally grown produce continues to rise. "Consumers want to know the conditions under which their produce is grown. Farmers' markets provide an excellent opportunity for the buyer and the producer to meet, exchange information, and in many instances, establish a relationship," said Mandi Thompson, marketing analyst at the Idaho State Department of Agriculture.

This year Idaho boasts 19 markets across the state, from Bonners Ferry to Idaho Falls. Depending on the growing season in each area, the markets will be open in May or June and run through September to October. Consumers will be able to find products in Idaho farmers' markets ranging from certified organic produce to gourmet specialty foods to fresh herbs and flowers.

Every year the Idaho State Department of Agriculture's Division of Agricultural Marketing and Development produces a guide to the farmers' markets across the state. The guide provides the dates and times of the markets, as well as the location and a contact point for the market. For a free copy of the guide or to include your market in the publication, contact Mandi Thompson in the Division of Agricultural Marketing and Development at (208) 332-8535 or send an e-mail to mthompson@agri.state.id.us.

invite interested persons to your first meeting. Remember to try to be motivational when you write.

Establish a good relationship with reporters as soon as possible. They can be invaluable in getting the message out. Reporters usually look for stories with broad appeal, and farmers' markets have potential benefits for everyone. Don't be pushy with a reporter, just be helpful in providing interesting information.

Prepare your PSA much as you would a press release, except note the time it takes you to read the announcement aloud. Radio stations usually want PSAs that are either 10, 15, or 30 seconds in length. Most television stations won't use anything longer than 10 seconds. With PSAs, it's best to talk with the station's community affairs director to learn exactly what format the station requires.

Circulars/Fliers/Posters

Since printed circulars and posters cost money to produce and distribute, volunteer labor and donations are very helpful. If your organization has the resources, circulars are a very effective way to publicize your market. They serve as a more permanent announcement that can be kept for future reference.

Keep your circular or poster direct and simple. Only include that information which is necessary for conveying your message. A cluttered or rambling circular will detract from the main point and discourage people from reading further or from reading it at all. Location, time, dates, parking information and the sponsor's name and telephone number should be included.

Commercial Advertising

There may be times when paid advertising in the newspaper is deemed necessary. You can decide between a classified ad or a commercial "display ad," both of which the newspaper will design for you. While this medium may be more expensive than others, its benefits are long lasting. Like a circular or poster, an ad can be kept and referred back to, giving it a longer life.

Commercial advertising is often the most beneficial and cost effective during the first year of the market. While free community sponsored publicity will help to announce the opening of the market, commercial advertising will serve as a reminder to the public that the market is an on-going event that will last throughout the summer.

Some rural or agricultural papers have a "direct marketing" column in the classified section. Farmers will sometimes place an ad jointly and divide the cost. Larger-scale growers can benefit from this method by taking bulk phone orders for pick up at the farmers' market.

Ads should make an effort to publicize popular seasonal produce such as fruits, melons, berries, tomatoes and sweet corn. These items will tend to draw bigger crowds and all growers will benefit. You should also use announcements of market events to indirectly introduce people to the regular operation of the farmers' market.

The Idaho Arts Advisory Network

Through a grant from the National Endowment for the Arts, the Idaho Commission on the Arts has trained arts leaders from across the state in consulting and workshop techniques. There may be an artist next door to help your farmers' market develop a readily identifiable logo! For more information, call Kathleen Keys, Community Development Director at (800) 278-3863 or (208) 334-2119.

Contact Officials

Now that your preliminary meeting is over and you have a green light from the producers and consumers, it is time to contact officials. But the officials will be concerned with a few things we have not yet discussed. Most of these things will come under the topic of "control."

Your farmers' market will need several levels of control. The first level is the market manager. He or she is responsible for maintaining a clean, honest, wholesome place of business. It is up to the manager to ensure that all city, county and state codes and ordinances are being followed. The market manager is responsible for the smooth operation of the market, settling disputes and enforcing market rules.

The next level of control is city and county agencies. Depending upon the scope of the products that are sold at your market, the city will issue a business license or permit for the market and a county health official will want to ensure proper health standards for your location. Since many communities are not at all familiar with farmers' markets, you will need to be very patient in explaining market activities and functions. Occasionally, a city code will not address a specific function of your market and you will need to abide by an official's ruling.

It is especially important that you set up an appointment and meet with these officials in person instead of by phone. And don't be discouraged if you run into a "you can't do that because it's never been done" attitude. Almost every farmers' market

experiences a problem or two at this stage. Just be ready to give an answer to every question an official is likely to ask. You should also have these answers printed on a "leave-behind" handout. This means you need to do your homework before you start. Be sure to invite these officials to your next meeting. Include the meeting information on your handout. A few suggestions for those to invite would be the City Mayor and the City Manager, members of Planning and Zoning, the City Council members, the County Environmental Health Officer, County Commissioners, the County Extension Agent and the Chamber of Commerce.

The Second Meeting

Begin with introductions and a brief review for the benefit of those who did not attend the first meeting. Be sure you don't leave out any officials in the introductions. Explain the purpose of the meeting, why the officials are there, the progress you have made and the progress you hope to make at this meeting. If you are still seeing new faces, it may be necessary to briefly go over the farmers' market concept. Just remember that most of the people have probably heard it at least once.

Some of the officials will want to make a presentation to the group or make a few comments. Be sure you allow for this and even encourage it by supplying them with a farmers' market fact sheet or other background materials in advance. After all officials have had the opportunity to speak, call a short break and inform the officials they are free to leave but are welcome to stay and participate in the rest of the meeting. Don't forget to send these people thank you notes!

Your working committees have had a week or two to investigate their assigned areas and should be ready to share their findings. This is a good time for brainstorming, narrowing choices, locating problems and making decisions. Make sure that everything is discussed in an orderly manner and appoint committee heads when appropriate.

Don't be alarmed if it seems that you end up with more questions being raised than answers given. Many of the answers have already been found by other farmers' market groups and they will be happy to share their experience with you. Contact the Marketing Division of the Idaho State Department of Agriculture at (208) 332-8530 for referrals.

A few weeks will have passed since your last meeting. Most growers will be more sure of the date their crops will be ready. Come up with a target opening day to propose at the third general meeting.

Take plenty of time to go over the proposed market rules one by one. Make sure that the growers understand what a rule means and the rationale behind it. After discussion, approve the rules or amend them as necessary. Make sure to remind the growers that the rules can be revised as the market evolves and circumstances change. Emphasize that it is best to have rules in advance to ensure that the market runs smoothly, and to avoid unnecessary situations in the future. An example of market rules is located in Section V.

At the last meeting you discussed the possibility of forming a market association. The growers should have had enough time to consider the pros and

cons. The market will need an organizational structure that will last beyond the initial formation activities. The market will also need an internally generated source of funds for operations and promotional expenses, unless managers would rather continually search for grants. Membership dues from an association would help offset some of the fixed costs, such as insurance. Try to reach a decision. If the decision is made to form an association, assign a committee to draft Articles of Incorporation and by-laws. Keep your by-laws as simple as possible to allow for easy changes down the road. Sample Articles of Incorporation and by-laws are also included in Section V.

New Smiles City Farmers' Market!

ORGANIZATIONAL MEETING

Wednesday April 12, 2001

7:30 p.m.

High School Auditorium

The agenda will include these and other topics:

- Possible name for the Market
- Location of the Market
- Opening Date
- Membership details
- Market Rules and Regulations
- Liability Insurance
- Market Manager(s)
- Fund Raising
- Health Department Regulations
- Committee Reports

Contact U.B. Gardening at 234-4321 or Hav Fun at 234-5678 if you have any questions about this meeting.



GETTING STARTED

The Third Meeting

Begin this meeting by giving a report on what happened and what was decided at the previous meetings. Based on the table you put together on crop availability, you should be able to set an opening date at this point. Don't be overly optimistic when deciding the opening date. Take the average of the growers' earliest estimates and then add a few weeks. Opening the market with little or no produce could jeopardize future turnout.

One option for the first season is to hold the market on the first Saturday of the month, May through October. If you discover that demand is greater, you can always increase the frequency. Saturdays from 8:00 a.m. – 1:00 p.m. appear to be the most popular day and time of the week for markets to be held.

The working committee in charge of site location should have enough information to select a site now. Their efforts should be directed toward securing the site and making whatever preparations are necessary.

The Advertising Committee now has the opening date and location to include in their material. Decide on what advertising strategy and media will be used. Decide on any opening ceremonies and whether you will want television coverage (highly recommended).

You also need the committee in charge of finances to present a proposed budget and bring funding possibilities up for discussion. If the market

location has to be rented or leased, have that committee work with the Finance Committee.

The committee that has been working on association bylaws and Articles of Incorporation should be ready to present a draft to the group for approval. Approve the by laws and Articles and prepare to file them with the Secretary of State's office, as is explained in Section V.

At this point, make sure that you have all necessary permits for the market and that all individual vendors have all the necessary licenses that they need to sell at the market. Section III of this manual, Market Considerations, contains more information on permits and licensing.



Obtain Permits

Do not wait until the last minute to obtain all of the necessary permits, certificates and licenses. Some of them will require cash outlays such as your liability insurance, so advanced planning is imperative. Allow at least a two-week safety margin. The officials who attended your second meeting should have informed you about license and permit requirements. A few of the more important ones are the business license, liability insurance, Health Department approval and any lease agreement.

Sales Tax Requirements

Since many of your growers may not have had experience with selling directly to the end user or consumer, you will want to inform them of the tax requirements outlined below. Keep in mind that the local tax field office has the final say on tax matters pertaining to your farmers' market. Call the tax office nearest you and get their advice before you open your market.

The whole issue of collecting sales tax and obtaining seller permits and tax identification numbers will tend to make some growers shy away from direct marketing. However, when someone takes the time to explain how simple the process is, the fears should go away.

The tax code which addresses farmers' market vendors is *Regulation 10, I.c.* It states, "Farmers who ordinarily sell their grain, livestock and other horticultural products for resale or processing are not subject to tax. However, when they sell to ultimate

consumers or users, they must obtain a seller's permit and report sales tax on their taxable sales."

Regulation 10.5 is important if you decide to open a consignment booth. It states that the agent or broker selling the produce on the growers' behalf is responsible for the proper collection and remittance of sales tax.

The code (amended 1/12/83) does not define whether farmers need a permanent seller's permit or a temporary permit. The State Department of Revenue and Taxation has left this decision up to the field offices. The main criterion used by the field offices is the operating schedule of the business. For example, if a farmer wanted to operate a home-based vegetable stand open six days a week throughout the summer, he would most likely be required to obtain a regular permit. But a participant of a weekly farmers' market may only need a temporary permit.

It is the decision of the individual farmers' market how they choose to collect sales tax. The market manager can collect the proper percentage from each of the vendors at the end of each market day and pay on the behalf of the entire market. In this circumstance, you need to contact Katherine McNeil of the Idaho State Tax Commission at (208) 332-6647 to obtain the necessary permits. The other option is to have each of the vendors collect their own sales tax. This is the simplest option, which requires that each vendor obtain an Idaho Business Registration-2 form from their local field office. The form can also be found on the Internet at www2.state.id.us/tax/forms.htm.

MARKET CONSIDERATIONS

Regular Permit

There is no fee for obtaining a regular seller's permit. Apply through your local field office and they will send the application to the Boise office. A tax number will be sent to you. You are then required to remit collected tax and file a quarterly accounting.

Temporary Permit

You again file at your local field office at no charge. If the local office approves your application, you will be given a temporary permit form. When your event is over, the permit will expire and you must remit the taxes and form to your field office.

If the Tax Commission decides to visit your farmers' market and finds a vendor without a seller's permit, they have the authority to shut down operations until regulations are complied with. It will be up to the market manager to make sure everyone obtains and properly displays their permit. Questions should be addressed to the field offices.



STATE TAX COMMISSION FIELD OFFICES

Boise

700 West State Street
P.O. Box 36
Boise, ID 83722
(208) 334-7660

Idaho Falls

150 Shoup Ave., Suite 16
Idaho Falls, ID 83402
(208) 525-7116

Pocatello

640 Pershing
P.O. Box 2519
Pocatello, ID 83206
(208) 232-3412

Coeur d'Alene

1910 NW Blvd, Suite 100
Coeur d'Alene, ID 83814
(208) 765-3662

Lewiston

1118 "F" Street
P.O. Box 1014
Lewiston, ID 83501
(208) 799-3491

Twin Falls

1038 Blue Lakes Blvd N. Suite C
P.O. Box 227
Twin Falls, ID 83303
(208) 733-7153

Liability Insurance

Liability insurance can be one of the most expensive start-up costs for farmers' markets. It is important that you make every effort to get the best deal for your insurance dollar. When you talk to insurance agents, be aware of these three important points:

1. Most insurance companies do not have a clear idea of what a farmers' market is. As a result, they may attempt to charge you a higher premium or choose not to insure the market at all.
2. The system used by many markets (obtaining a full-year policy and then canceling it at the end of the market season) is very uneconomical for the insurance carrier, since this requires redoing all the paper work at the beginning of each year.
3. The more information that the market organizers can supply to the insurance agent, the better the chance of being insured at the lowest possible cost.

The first problem could be solved by having a summary sheet or a brochure which describes and explains your farmers' market. Be sure to include the market controls - everything from the market manager's duties to applicable federal and state laws.

Check into obtaining a year-round policy instead

of canceling at the end of each season as some markets do. A good agent will be able to explain why it is more cost effective to pay more for a full year policy. Some types of coverage allow for a policy to revert to an inactive status during the winter months and then be reactivated when that market opens. Ask your insurance agent about this.

INSURANCE STATEMENT

Leave a written statement with the agent which answers the following questions:

1. What is the exact location of the market?
2. What are the parking conditions?
3. Is there regular cleanup and maintenance?
4. Are booths permanent or temporary?
5. What becomes of the site when the market is not in operation?
6. Is the site covered by another policy?
7. What is the condition of all products offered at the market?
8. What is the estimated revenue for all sales?
9. What is the stall fee per vendor?



MARKET CONSIDERATIONS

Market Location Considerations

The degree of success your market will have depends partly on how well you select your location. The site should be selected by a committee since there are many things to be considered and a substantial amount of leg work is involved.

Your committee should ask the following questions of each of the possible sites:

1. Does this site have adequate parking for the vendors?
2. Will there be ample customer parking next to the market?
3. Is this site rent free or will there be a fee? If so, can we afford it?
4. Are there zoning restrictions which would preclude a market?
5. Is the site easy to find and highly visible?
6. Are restrooms available and nearby?
7. Is water available to both vendors and customers?
8. Does the site have any shade during proposed market hours?
9. Is the atmosphere conducive to the image you want for the market?

Once these questions have been answered for all of your site possibilities, a simple comparison should show which is the best site. But don't forget that market sponsors are often very important and will partly determine your location. For instance, if the downtown merchants association would like to sponsor the market, they will want you to be gener-

ating foot traffic in front of their downtown businesses. A blocked-off street may be the better choice. Just make sure you are consistent with the purpose of the market.

Stall Fee Options

Stall fee arrangements should be one of the most important considerations in organizing your market. Your decision will influence the number and type of vendors at the market. The following are some examples of stall fee arrangements which are presently in use either individually or in combination. Advantages and disadvantages have been included where appropriate.

Flat Fee: For simplicity, the flat fee is unmatched. No calculations are necessary because all growers pay the same amount. Fees can be collected as growers enter the market. Many markets started with this method but changed because it discourages the small scale grower with limited produce. A \$5 or \$10 stall fee is too much to pay if you will only sell \$25 worth of produce. Large-scale growers pay the same fee but it is a much smaller percentage of their sales.

Flat Percentage: A fixed percentage of gross income is perhaps the most equitable stall fee option since it is directly related to benefits received. This method does require calculations and depends on the honesty of the vendors. The fees are collected as the vendors leave the market.

Graduated Percentage: A percentage stall fee can be set at several levels in the same way that a graduated flat fee is applied. This system may dis-

courage larger growers since they are charged at a higher rate.

Graduated Flat Fee: This structure involves two or more fee levels dependent on any of several criteria, including:

Weight - A useful indicator of volume sales which can be recorded and collected as the trucks pull in. However, weight must be estimated and can be unfair to growers with high weight/value crops such as watermelons.

Truck Size - A very simple system which will encourage growers to use the smallest truck available and fill it completely. This may cause confusion if several growers use the same truck and it may be unfair to growers with large trucks but little produce.

Gross Income - Stall fees are set for various levels of income. While this system is fairer to many growers, problems still occur where growers are just over or just under the cut-off point. This system may encourage a grower to report less sales in order to make the next lower rate level. While no calculations are involved, the market manager must wait until the market closes to collect the fees.

Other Possible Stall Fee Options

Each market may choose to use one of several incentive programs to encourage greater grower participation or generate working capital. Some of these programs can influence stall fees.

Participating/Nonparticipating - If a grower chooses to put his or her time into helping the market by working on publicity, acting as voluntary market manager, bringing new growers into the market, etc., he or she could receive a reduced stall fee.

Member/Non-member - Your market may choose to form an association in which the members pay dues at the beginning of the market season and are then charged a reduced stall fee throughout the year. This system provides a market with start-up capital at the beginning of the season when it is needed most. Non-members pay the full stall fee.

Another option for a newly-formed farmers' market is to charge a one-time, flat fee for the entire season. Paying up-front will encourage vendors to continue their participation at a minimal fee, while ensuring that the market is funded.

MARKET CONSIDERATIONS

Health Department Rules

As the popularity of farmers' markets grows throughout the United States, so does the need for increased food safety. With the danger of food-borne illnesses and the potential for litigation, farmers' market vendors should pay close attention to Health Department rules as well as common sense caution. The rules for selling food products to the public are explained in the UNICODE and its updates, which are available from your local District Health Departments (see contact information at the end of this section). Your market manager should work with the Health Department staff to develop a statement of understanding that will allow you to provide safe food and beverages to the public.

This section will attempt to clarify the existing health rules for agricultural markets and the products that can be sold by vendors at those markets. The State of Idaho Department of Health and Welfare provides the Food Protection Program Guideline 96-2 as the regulatory status and notes pertaining to agricultural markets which states the following:

UNICODE Section 005.04. defines an agricultural market as *"any fixed or mobile retail food establishment engaged in the sale of raw or fresh fruits, vegetables and nuts in the shell, but may include as a minor portion of the operation the sale of factory-sealed, non-potentially hazardous foods."*

UNICODE Section 005.53. excludes agricultural markets as a regulated food establishment. These markets are exempt from needing a food license if

they meet the definition above. Therefore, these operations have considerable latitude regarding how they present and sell their products.

The definition of factory-sealed non-potentially hazardous foods is *"foods which have been processed, packaged, and labeled by a food processing establishment under regulatory surveillance by a state or federal agency responsible for food safety."*

Potentially Hazardous Foods

The sale of potentially hazardous foods, which include cut melon, raw seed sprouts, garlic in oil preserves, cooked plant food and raw or cooked meat (see UNICODE Section 005.107), would make the market a regulated food establishment and subject to the requirements of the UNICODE. Therefore, the market or individual vendors would need to obtain a license. Vendors whose food types require licensing must have their actual farmers' market stand, equipment and services inspected by an Idaho Health District Environmental Health Officer.

Product Sampling

Farmers' markets may cut and provide samples of products, with the **exception** of melons. Melons may be cut for display purposes **only** and **cannot** be provided to consumers in any form after cutting. When providing samples, vendors must use common sense for cleanliness.



Processed Foods

If your market would like to sell specialty or processed foods, these products must be produced in a licensed commercial kitchen. No commercial food processing is allowed in your home kitchen. Food processors are considered “food establishments” under the UNICODE. Therefore, food processors will be governed by UNICODE rules. Individual vendors will be required to obtain a license.

What Is A Processed Food?

The criteria are as follows:

1. The character of the food must have been altered in some manner, such as foods that have been peeled, skinned, cut, mashed, creamed, liquefied, pureed, squeezed, blanched, dried (except if dried in the field), fermented, brined, salted, cured, canned, milled, pulped, smoked, bleached, ground, aged, shelled, shucked, baked, irradiated, blended, cooked, broiled, pasteurized, frozen, etc.
2. An additional ingredient has been added to the food. Foods which are fabricated from two or more ingredients and require labeling would satisfy this criteria.
3. Foods that have been packaged in bottles, jars, boxes, cans, tanks, cartons, bags, or securely wrapped from the time of processing until the consumer receives it. *Exception to this criteria:* Raw fruits, vegetables or nuts in the shell that have been packaged in the field or packing shed, in retail packages, or in bulk containers for distribution.
4. There is a unique quality or characteristic about the food. For example, water is not changed in

character, but it is packaged and regulated.

Also, because of the hazardous nature of wild mushrooms, the collection of these foods for wholesale or retail sales is specifically regulated by the UNICODE.

For more information on commercial food processing, please contact your local District Health Department office or the Idaho State Department of Agriculture, Division of Agricultural Marketing. The Idaho State Department of Agriculture has published a useful manual “*Starting a Specialty Food Business*” that may be obtained free of charge by calling (208) 332-8530.

Exceptions

More recent revisions of the UNICODE *do allow* for the sale of non-potentially hazardous foods including home prepared cookies, cakes, fruit pies, jams and jellies, etc. Guideline 97-3 states the following:

“Limited sales (not on a regular basis) of non-potentially hazardous food made in a home kitchen may be allowed for certain non-regulated food operations, such as agricultural markets and bake sales, where the consumer would reasonably assume the food is not from an approved source; and such home kitchen prepared foods allowed shall be limited to breads, cookies, cakes, fruit pies, jams, jellies, candy, and honey. For any other food you feel may fall under this category, please contact your local health department for a determination of possible status as a potentially hazardous food.”

MARKET CONSIDERATIONS

Specifically prohibited from sales are foods which are home canned or hermetically sealed. The exception being jams and jellies which are often hermetically sealed, but not done so as a requirement for safety.

The *Idaho Food Safety and Sanitation Manual* is now on the Internet and is very user friendly. Go to: http://www2.state.id.us/dhw/hwgd_www/FoodSafety/index.htm



For more information contact your local District Health Department listed below:

State Office

Idaho Department of Health and Welfare

Food Processing Program
4501 W. State Street
Boise, ID 83720
Tel: (208) 334-5938
Fax: (208) 334-6581

Panhandle District Health Department

2195 Ironwood Court
Coeur d'Alene, ID 83814
Tel: (208) 667-9513

North Central District Health Department

215 10th Street
Lewiston, ID 83501
Tel: (208) 799-0353
Fax: (208) 799-0349

Southwest District Health Department

920 Main Street
Caldwell, ID 83605
Tel: (208) 455-5400
Fax: (208) 455-5405

Central District Health Department

707 N. Armstrong Place
Boise, ID 83704
Tel: (208) 327-7499
Fax: (208) 327-8553

South Central District Health Department

1020 Washington Street, North
Twin Falls, ID 83301-3156
Tel: (208) 734-5900
Fax: (208) 734-9502

Southeastern District Health Department

1901 Alvin Ricken Drive
Pocatello, ID 83201
Tel: (208) 239-5270
Fax: (208) 234-7169

District Seven Health Department

254 "E" Street
Idaho Falls, ID 83402-3597
Tel: (208) 523-5382
Fax: (208) 525-7063

Selling Organic Products



The Idaho State Legislature passed the Organic Food Products law (Title 22, Chapter 11, Idaho Code) in 1990. The organic certification program is

designed to enhance consumer confidence regarding the term "organic" when it is used in the marketing and labeling of food products. The statute provides a definition of the term "organic," and the rules that establish production standards.

The Idaho-certified organic food product is one which has been produced without the use of synthetically compounded fertilizers, pesticides, or growth regulators for a period of at least thirty-six (36) months prior to harvest. It is a product marketed using the term "organic" in its labeling or advertising and is processed, packaged, transported and stored to retain maximum nutritional value, without the use of artificial preservatives, coloring or other additives, irradiation, or synthetic pesticides. If a product is marketed as "organic," it must be certified by the Idaho State Department of Agriculture.

The Idaho State Department of Agriculture has compiled a resource guide to complement the Organic Certification Program. This publication contains the Idaho Organic Law, rules, generally accepted cultural practices, and a list of organizations and periodicals.

If you or one of your vendors would like additional information regarding the sale or production of organic products, write or call:

Idaho State Department of Agriculture

Organic Certification Program

Margaret Misner, Program Manager

2270 Old Penitentiary Road

P.O. Box 790

Boise, Idaho 83701

Tel: (208) 332-8673

Fax: (208) 334-2170

Email: mmisner@agri.state.id.us

Selling Products By Weight

Many of your growers will not have scales of their own unless they have been operating a road-side stand or have participated in a farmers' market before. Scales are not necessary and can be expensive to purchase. Some have found older, used scales at thrift stores or garage sales. Some just sell their produce by the bag or the bunch instead of by weight. You must find out if growers will be using scales and arrange to have the scales certified by the Idaho State Department of Agriculture's Division of Weights and Measures. Have them contact the nearest field office for more information.

Weights and Measures

District 1

Wes Oswald (NW Boise to the Oregon border).....332-8690

John Allgair, Jr. (SW Boise to the Nevada border).....332-8690

Bob Bowles (Boise to Mountain Home).....332-8690

District 2

J. Art Mingo, Twin Falls.....734-4418

Mike Hartuft, Paul.....438-8270

District 3

Bruce Brooks, Idaho Falls.....524-6465

Mike Proctor, Pocatello.....232-8270

District 4

Gordon Sanders, Coeur d'Alene.....682-2849

Dave Galantuomini, Lewiston.....799-5025

MARKET CONSIDERATIONS

Nursery Licenses

Farmers' markets are becoming an increasingly popular venue for nursery/florist growers/sellers to sell their products. After careful consideration, the Idaho State Department of Agriculture made the decision in May 2000 that Title 22, Chapter 23 "Nurseries and Florists" must be applied to farmers' markets.

22-2301. STATEMENT OF PURPOSE. The legislature and the Idaho nursery and florist industry find and declare that the propagation and raising of nursery and florist stock is an agricultural pursuit that should be regulated and assisted by the Department of Agriculture to provide a high quality and pest free product to the citizens of Idaho and Idaho's external trading partners. A nursery and floral services program shall be maintained within the department for the purpose of carrying out and enforcing the provisions of this chapter.

A farmers' market has a choice in nursery licensing. Each individual vendor who is selling nursery and florist stock must purchase a license or the market association can purchase a license on behalf of the entire market. The Department of Agriculture has the responsibility and authority to inspect the nursery or florist stock of growers and vendors, and are expected to visit each farmers' market during the farmers' market season.

The nursery license runs on the calendar year, and must be renewed by February 1 of each year. The application and \$75 fee can be mailed to the

Department of Agriculture, Plant Industries Division, P.O. Box 790, Boise, ID, 83701.

A \$25 late fee is assessed on renewal applications received after the February 1 deadline. To request the *Nursery/Florist/Agent License application, Rules Pertaining to the Idaho Nurseries and Florists Law, April 1998, Title 22, Agricultural and Horticulture, Chapter 23, Nurseries and Florists, and the Summaries of External Quarantine*, contact Maureen Brewer, Plant Industries, at (208) 332-8620.

MARKET CONSIDERATIONS

IDAHO STATE DEPARTMENT OF AGRICULTURE
Plant Industries Division
P.O. Box 790
Boise, Idaho 83701
Ph: (208) 332-8620
Fax: (208) 334-2283

APPLICATION FOR NURSERY/FLORIST/AGENT LICENSE

Application and fees must be received before nursery and floral stock is sold. Make checks payable to the Idaho State Dept. of Agriculture and send along with this application to the above address. Be sure to note "Plant Industries Division" on the envelope.

BUSINESS/APPLICANT NAME: _____
(Please indicate in whose name the license is to be issued. If individual applicant, social security number must be provided.)

BUSINESS ADDRESS: _____
CITY: _____ ZIP CODE: _____ COUNTY: _____

Applicant Name: _____ Applicant Social Security #: _____

Phone: _____ Fax: _____ E-Mail: _____

Previous Business Name (if applicable): _____

TYPE OF OPERATION ENGAGED IN

<input type="checkbox"/> Nursery Stock Grower/Wholesale (Field or Container Grown)	<input type="checkbox"/> Florist	<input type="checkbox"/> Landscape Contractor
<input type="checkbox"/> Retail Nursery/Garden Center	<input type="checkbox"/> Greenhouse Grower	<input type="checkbox"/> Christmas Trees
<input type="checkbox"/> Nursery Stock Buyer (Persons purchasing from wholesaler with no nursery stock holding site)	<input type="checkbox"/> Grocery Store	<input type="checkbox"/> Other (Describe)

Growers: _____ Number of acres in production: _____ Sq footage of greenhouse: _____

TYPE OF LICENSE APPLIED FOR

_____ \$75.00 (\$25.00 is deposited into the Nursery/Florist Research Acct. for industry use)

_____ Temporary (Sale period not to exceed seven days - Fee \$25)
(For certified non-profit organizations **only**)

_____ Agent (Fee \$25.00) – Any person only soliciting orders in this state for the purchase
or sale of nursery/Florist stock from unlicensed firms.

_____ \$25.00 (**Late fee** due for applications received after **February 1**, for previously
licensed nurseries/florists)

EXACT LOCATION OF BUSINESS/PRODUCTION AREA

DO YOU WANT A COPY OF THE ANNUAL NURSERY REPORT WHEN PRINTED? YES _____ NO _____

OWNER'S SIGNATURE: _____ DATE: _____

MARKET CONSIDERATIONS

Additional Licenses

There are several other licenses that are required by the State, and depending upon the activities of the market or the individual vendors, it may be necessary that one or more be obtained. The following are the definitions, as written in Idaho Code, of the requirements for each license. There are fees associated with some of the following licenses. Contact the Idaho State Department of Agriculture, Division of Agricultural Inspections, at (208) 332-8660 for additional information and clarification.

Broker

Any person engaged in the business of soliciting or negotiating the sale of any farm product.

Dealer

Any person other than a commission merchant or cash buyer, who for the purpose of resale, obtains from the producers thereof, possession or control, or contracts for the future delivery of any farm products, without paying to the producer at the time of obtaining such possessions or control, the full agreed price of such commodity in lawful money of the United States.

Commission Merchant

Any person who shall receive on consignment, or solicits from the producers thereof, any farm products for sale on commission on behalf of such producer thereof for the purpose of resale, or who shall sell or offer for sale on commission, any farm products, or who shall in any manner handle

for the account of or as an agent of the producer thereof, any farm product.

Agent

Any person who on behalf of any commission merchant, dealer or broker receives, contracts for, or solicits any farm product from a producer thereof, or who negotiates the consignment or purchase of any farm product on behalf of any commission merchant, dealer or broker.

Cash Buyer

The term “cash buyer” means any person other than a commission merchant or dealer who obtains from the producer thereof possession or control of any farm product by paying to the producer at the time of obtaining such possessions or control, the full agreed price of such commodity in lawful money of the United States, provided, that any person contemplated in this act who shall buy any farm product and shall pay for the same by his personal check, draft, or bill of exchange shall not be deemed a cash buyer but shall be deemed a dealer as defined in subsection (f) and shall be required to furnish the bond as provided for in this section 22-1304.

Final Preparations

Your final preparations will consist of rechecking what you've done, reminding your growers of opening day "musts" and launching a publicity campaign. Call your growers and inform them of your progress. Remind them of the importance of looking good on opening day. This doesn't mean suit and tie, it means having lots of growers with lots of top-quality produce available. Start them thinking seriously about the best ways to display their crops as well as price them. Draw a map of the market arrangement and be sure you don't have a group of vendors with the same or similar products next to one another. Mix up the commodities as best you can.

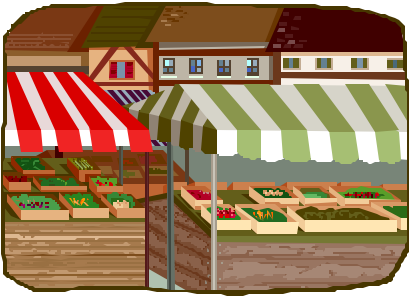
Two weeks before the market opens, deliver a press release to all local newspapers, radio stations, and television stations. Hang posters and place fliers everywhere. Any supporting organization with a newsletter should run an article. If you want, arrange a little press conference and include an interview with a participating farmer. You can also contact the Marketing Division at the Department of Agriculture for additional assistance in publicizing opening day.

Three days before the market opens, call all the TV stations to remind them of the market opening. Ask if they would like to send a camera crew to cover the opening ceremonies or market activity. Having a locally-known personality on hand for the opening will help you get TV coverage.



OPENING DAY!

You will need some help on opening day. Get down to the market site early enough to hang some colorful signs and banners. Adding to the festive atmosphere with balloons and flags is always a good idea and draws attention to the market. Direct growers to their assigned spots as they drive in. Don't allow early customers to interfere with growers as they set up their displays.



Set up an information booth or table and have someone there at all times. Be watching for the media and if they arrive, show them around, answer questions and make introductions.

Ideas For Attracting Customers

Beyond the basic consumer expectations that you will meet, interesting and fun promotional ideas can be used to stimulate increasing sales and customer count. Even better, a good market will stimulate word of mouth. The following ideas are just the beginning.

Create An Attractive Atmosphere!

- Decorate the entrance with flowers, vegetable displays, scarecrows, or balloons. Similar decorations inside a market add a festive element which will create a sense of cohesion.
- Hire local musicians to perform during market hours. Many will play if they can leave their hat open for contributions, others will simply volunteer for the exposure.
- Organize contests. Contests stimulate excitement and interest. Everybody likes to win and

wants the chance to win. And even if you don't win, you want to know who does! This brings attention to the market. Consider contests that focus on local produce. How about a watermelon seed spitting contest, an apple salad recipe contest or even a cucumber eating contest? Be sure to bring some salt!

Develop An Attractive Logo

While it may not be critical for smaller markets to have a logo, an attractive emblem offers endless opportunities for building market recognition and consumer awareness both on and off site. A logo can be put on virtually anything and go anywhere. An appealing logo promotes a professional and cohesive image for the market. Refer back to page 13, Idaho Arts Advisory Network for assistance on logo creation. Place it on signs, letterhead, T-shirts, caps, aprons, market bags, buttons, price signage, market cookbooks, library bookmarks and flyers.

Organize Theme Events and Festivals

Make it fun to come to the market. Using the themes of fresh, locally grown foods can create numerous events to stimulate interest in the market. Events that are part of a market's promotion create reasons for people to come and explore possibilities.

Before the season begins, organize a schedule of special events which will highlight the season and create special reasons for people to come. The following are some ideas:

- **Scarecrow Making.** Kids love to stuff their old cloths with hay! 
- **Container-mania!** Feature bedding plants, pots and experts on potting. Invite a master gardener!
- **Pumpkin Carving!** Everyone loves to create an original piece of pumpkin art. 
- **Crafts!** Crafts definitely contribute to a more festive atmosphere.
- **Christmas in October.** A great way to find  and sell Christmas crafts and foods, and it can be featured as a fall festival.
- **Cooking Demonstrations.** Invite local chefs to come to the market to cook with local ingredients. 
- **Customer Appreciation Day.** Plan this event on the last day of the market, with events and sales to benefit the patrons who have helped to make the market season a success.

Remember, always take advantage of opportunities to attract additional publicity. With some imagination and work, you can make your farmers' market into both an entertaining and exciting place to shop.

ORGANIZATIONAL CONSIDERATIONS

Incorporating Your Farmers' Market

In this country, cooperative marketing of farm products and cooperative purchasing of farm supplies constitute the two major activities in which cooperatives engage. Essentially, associations and cooperatives are corporations. Associations are usually organized in a corporate form for business purposes, being owned and controlled by the members, operating on a cost basis for the mutual benefit of the patrons. The state statutes regarding associations generally parallel the corporate statutes.

Incorporation will offer your association several advantages. It will limit the liability of the individual members while at the same time securing the advantages of continuity, free transferability of interest and centralized management. The details are determined by the association to meet its own needs and the drafter of the Articles of Incorporation should keep in mind that in a cooperative, the financial benefits and advantages should accrue to the members because of their patronage and not because of their investment. Consulting an attorney is recommended.

Articles of Incorporation and a set of by-laws should be decided upon by the association. The Articles of Incorporation must be filed with the Office of the Secretary of State in Boise, along with a \$30 filing fee for a non-profit, cooperative corporation. The application can be hand-delivered or mailed. The Office of the Secretary of State has free incorporation handbooks that guide interested parties through the process, as well as

forms that can be filled out and then filed with the state. In addition, their website at www.idsos.state.id.us also has application information.



Office of the Secretary of State

Corporations Division

700 W. Jefferson, Room 203

P.O. Box 83720

Boise, ID 83720-0080

Tel: (208) 332-2301

www.idsos.state.id.us

Sample

ARTICLES OF INCORPORATION FARMERS' MARKET ASSOCIATION

The undersigned, all of whom are engaged in the production of agricultural products, or other products deemed appropriate by the market, do hereby voluntarily associate ourselves together to form a nonprofit cooperative association, without capital stock, under the provisions of Idaho Code 22-2601 to 22-2628, and for such purposes do hereby adopt the following articles of incorporation, to wit:

Article I, NAME

The name of the Association shall be _____ Farmers' Market.

Article II, DURATION

The term of existence of the Association shall be perpetual after the filing of these articles of incorporation in the office of the secretary of State of the State of Idaho.

Article III, PURPOSES

The purposes for which the Association is organized are to engage in any activity in connection with the marketing or selling of the agricultural (add other product types applicable to your market) products of its members. The Association intends to:

- A. Provide a location for agricultural producers (and others) to sell their products.
- B. Help improve the local agricultural economy while providing a needed service for the community.
- C. Promote the sale of agricultural products grown in the state of Idaho.
- D. Use any profits, above and beyond what is needed to ensure the existence of the market, for grants or other types of assistance to nonprofit organizations engaged in the field of agriculture. Such organizations may be working to solve the problems of the family farmer and the rural community.

Article IV, DISSOLUTION OF CORPORATION

Upon the dissolution of the Association, the Board of Directors shall, after paying all of the liabilities of the Association, dispose of all the assets for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or shall be distributed to a state or local government, for a public purpose.

ORGANIZATIONAL CONSIDERATIONS

Article V, POWERS AND LIMITATIONS

The Association shall have the following powers:

- A. To act as the agent or representative of any member or members in any of the activities mentioned in Article III hereof.
- A. To buy, lease, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of the business of the Association, or incidental thereto.
- A. To draw, make, accept, endorse, guarantee, and issue promissory notes, bills of exchange, drafts, warrants, certificates, and all kinds of obligations and negotiable or transferable instruments for any purpose that is deemed to further the objects for which this Association is formed and to give a lien on any of its property as security therefore.
- A. To cooperate with other similar Associations in creating central, regional, or national Cooperative agencies, for any of the purposes for which this Association is formed, and to become a member or stockholder of such agencies as now are or hereinafter may be in existence.
- A. To have and exercise, in addition to the foregoing, all powers, privileges, and rights conferred on ordinary Corporations and Cooperative Marketing Associations by the laws of this State and all powers and rights incidental or conducive to carrying out the purposes for which the Association is formed, except such as are inconsistent with the express provisions of the act under which this Association is incorporated, and to do any such thing anywhere; and the enumeration of the foregoing powers shall not be held to limit or restrict in any manner the general powers which may by law be possessed by this Association, all of which are hereby expressly claimed.

The Association shall be subject to the following limitations:

- A. This Association shall not market the products of non-members in an amount the value of which exceeds the value of the products marketed for members.
- B. It shall not purchase supplies and equipment for persons who are neither members nor producers of agricultural products.
- C. This Association is not organized for a pecuniary profit. It shall not have any power to issue certificates of stock or declare dividends and no part of its net earnings shall accrue to the benefit of any member, director or individual. The balance, if any, of all money received by the corporation from its operators after the payment in full of all debts and obligations of the Association of whatever kind or nature shall be used and distributed exclusively for purposes set forth in Section D above. Nothing shall prohibit the Association from retaining net earnings for the purpose of ensuring the market's existence for future years and this decision shall be at the Board of Director's discretion.

ORGANIZATIONAL CONSIDERATIONS

D. The Association shall not devote a substantial part of its assets to influencing legislation and shall not participate in a political campaign for or against any candidate for political office.

Article VI, REGISTERED AGENT

The name and address of the initial registered agent of the Association in the State of Idaho is _____, at _____, in the City or Town of _____, _____ County.

Article VII, PRINCIPAL PLACE OF BUSINESS

The place where the principal business of the Association will be transacted is the City or Town of _____, County of _____, State of Idaho.

Article VIII, BOARD OF DIRECTORS

The number of directors constituting the Board of Directors is _____, and the term of office of each of such directors is one year or until his or her successor is elected and has qualified. The names and addresses of those directors who are to serve as Incorporating Directors until the first annual meeting of the members of the Association or until their successors are elected and qualified are:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ORGANIZATIONAL CONSIDERATIONS

Sample

BY-LAWS

_____ FARMERS' MARKET ASSOCIATION

Article I, NAME

The name of this Association shall be the _____ Farmers' Market.

Article II, INCORPORATION

This Association is an Idaho non-profit organization evidenced by Certificate of Incorporation issued _____, 200__ by the Office of the Secretary of State of Idaho.

Article III, OFFICES

1. Principal office of the Association will be the place of business for the open market held at _____.
2. Registered agent and mailing address will be _____.

Article IV, PURPOSES

The purpose for which the Association is organized is to engage in any activity in connection with the marketing or selling of the agricultural (add other product types) products of its members. The Association intends to:

- A. Provide a location for agricultural producers (and others) to sell their products.
- B. Help improve the local agricultural economy while providing a needed service for the community.
- C. Promote the sale of agricultural products grown in the state of Idaho.

Article V, MEMBERSHIP

1. *Admission:* Members shall be admitted to the Association upon the Association's receipt of a written application form and membership dues in such amounts as the Board of Directors may determine.
2. *Classification:* The Association shall have three classes of members – participating, non-participating and temporary.
 - A. *Participating:* A participating member must serve on the Board of Directors or on an adjunct committee. Annual dues are to be set by a majority vote of the members present at the annual meeting.

ORGANIZATIONAL CONSIDERATIONS

- B. **Non-Participating:** Non-participating members are not required to serve on the Board of Directors nor on an adjunct committee. Dues are to be set by a majority vote of the members present at the annual meeting.
 - C. **Temporary:** Temporary members are not required to serve on the Board of Directors nor on an adjunct committee. A daily fee is to be set by a majority vote of the members present at the annual meeting.
- 3. **Resignation:** Any member may resign, but such resignation shall not relieve the resigning member of the obligation to pay any dues, assessments or other charges theretofore accrued and unpaid, and the Association shall not be liable to return or refund any dues, assessments or other charges in the event of a resignation.
 - 4. **Transfer of Membership:** Membership in this Association shall not be transferable nor assignable.
 - 5. **Termination of Membership:** The Board of Directors, by affirmative vote of two-thirds of all Board members, may suspend or expel a member for cause after an appropriate hearing, and may, by a majority vote of those present at any regularly constituted meeting, terminate the membership of any member who shall be in default in the payment of dues.
 - 6. **Membership Rights:** Participating members shall have two votes each, non-participating members shall have one vote each, and temporary members shall have no voting privileges.

Article VI, MEETINGS

- 1. **Annual Meeting:** An annual meeting of all three classes of members shall be held each year at a time and place designated by the Board of Directors for the purpose of presenting the annual report and other matters that may require general membership attendance. Notice of the annual meeting shall be given to every member at least seven days in advance of such meeting.
- 2. **Special Meeting:** The Board of Directors may call a special meeting that would require general membership attendance. Notice of any special meeting shall be given to every member at least seven days in advance of such meeting.
- 3. **Board of Directors' Meeting:** The Board of Directors shall meet from time to time as is necessary. Only board members and chairpersons of adjunct committees need be notified.
- 4. **Place of Meeting:** The Board of Directors may designate any place within the State of Idaho as the place for any annual, special or Board of Directors' meeting.
- 5. **Quorum:** At any annual meeting or special meeting, one-tenth of the participating and non-participating members shall constitute a quorum. At any meeting of the Board of Directors, a majority of the Board of Directors in office shall constitute a quorum.

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Article VII, BOARD OF DIRECTORS

1. *General Powers:* The business and affairs of the Association shall be managed by its Board of Directors.
2. *Number and Tenure:* The number of Directors of the Association shall be no less than _____. Directors shall be elected at each annual meeting by participating and non-participating members by majority vote. Each Director shall hold office until the next annual meeting of members.
3. *Vacancies:* If any vacancy occurs on the Board of Directors, other than from the expiration of a term of office, the Board of Directors may fill the vacancy for the unexpired term at any Board meeting.
4. *Compensation:* The Board of Directors shall serve without compensation.
5. *Attendance at Board Meetings:* Directors shall attend all Board meetings unless extenuating circumstances occur.
6. *Manner of Acting:* The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.
7. *Standard of Care:* A director shall perform his or her duties as a director, including his or her duties as a member of any committee of the board upon which he or she may serve, in a manner he or she reasonably believes to be in the best interests of the Association, and with such care as an ordinary prudent person in a like position should use under similar circumstances. A person who so performs his or her duties shall not have any liability by reason of being or having been a director of the Association.

Article VIII, OFFICERS

1. *Officers:* The officers of the Association shall be a President, Vice President, Secretary, and Treasurer. The Board of Directors may appoint committees and committee chairpersons as they consider necessary. The officers shall serve without compensation.
2. *Election and Term of Office:* The officers of the Association shall be elected by the Board of Directors annually at the first meeting of the Board held after each annual meeting of the general membership.
3. *Vacancies:* A vacancy in any office, however occurring, may be filled by the Board of Directors for the remaining portion of the term.
4. *President:* The President shall call and preside at all meetings of the Association. The President shall also act as official representative of the Association and have general charge of its affairs.
5. *Vice President:* The Vice President shall, at the request of the President, or in the event of his/her disability or absence, perform any and all duties of the President. The Vice President shall also have primary responsibility for the development and management of a program allowing members to sell prepared foods at the market.
6. *Secretary:* The Secretary shall keep the minutes of the meetings, give notice of all meetings as

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prescribed by these Bylaws, perform all duties incidental to the office and help the President perform his/her functions.

7. *Treasurer:* The Treasurer shall be the principal financial officer of the Association and shall collect, receive, deposit, invest and disburse the funds of the Association. The Treasurer shall maintain accounting books and a checking account, rendering a statement of accounts at each board meeting, filing required reports with Office of the Secretary of State of Idaho, and performing all duties incidental to the office and help the president perform his/her functions.

Article IX, COMMITTEES

There shall be appointed various committees, members and a chairperson for each committee by the Board of Directors. The Board of Directors shall delegate duties to the respective committees.

1. *Committees:* The committees shall consist of:
 - A. Promotion and Advertising
 - B. Rules and Regulations
 - C. Grower Recruitment
 - D. Fund Raising
2. *Membership:* Each committee shall consist of a chairperson who is a member of the Board of Directors. Committee members shall consist of all participating members.
3. *Meetings:* Each committee is responsible for holding meetings at such regular intervals to assure the proper completion of the committee's duties.
4. *Chairperson:* The chairperson or his or her delegate shall give a report at every board meeting regarding the progress, accomplishments and goals of the respective committee.

Article X, INDEMNIFICATION

The Association shall indemnify, to the extent permitted by law, any person who is or was a director, officer, agent, fiduciary or employee of the Association against any claim, liability or expense arising against or incurred by such person as a result of actions reasonably taken by him or her in the direction of the Association. The Association shall further have the authority to the full extent permitted by law to indemnify its directors, officers, agents, fiduciaries and employees against any claim, liability or expense arising against or incurred by them in all other circumstances and to maintain insurance for such persons to the full extent permitted by law.

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Article XI, AMENDMENTS

These bylaws may be altered, amended or repealed at any meeting of the Board of Directors at which a quorum is present by a majority vote of those present.

Article XII, FISCAL YEAR

The fiscal year of the Association shall be as determined by the Board of Directors.

Article XIII, CONFLICTS

In the event of any irreconcilable conflict between these bylaws and either the Association's Articles of Incorporation or applicable law, the latter shall control.

Article XIV, DEFINITIONS

Except as otherwise provided in these bylaws, all terms used in these bylaws shall have the same definition as in the statutes governing Idaho non-profit corporations.

Sample

Market Rules for

_____ Farmers' Market Association

Rules and Regulations

1. The market shall be known as the _____ Farmers' Market.
2. The market will be open every Saturday beginning the first Saturday in June and ending the last Saturday in October. Hours will be from 9:00 a.m. to 1:00 p.m. The season and hours may be extended by the Board of Directors.
3. Products which may be offered for sale include: fruits, vegetables, farm fresh eggs, honey and other agricultural and non-agricultural products approved by the Market Manager. Live animals may be advertised at individual booths but will not be allowed in the market area.
4. Vendors must check in with the Market Manager prior to setting up their display. Vendors may pull into assigned stalls between 8:00 a.m. and 8:45 a.m., but may not sell, bag or layaway items prior to the opening bell.
5. Available remaining space will be assigned on a first-come, first-serve basis on market day. All vendors must be in place by 9:00 a.m.
6. Vendors shall remain on their assigned market space when selling products. Sales will be made in an orderly, business-like manner. Shouting or other objectionable means of solicitation are prohibited.
7. Each vendor will keep his or her market space clean and free from offensive odors at all times. Vendors are responsible for meeting all local, county, state and federal regulations.
8. All products will be displayed off the ground except for boxed fruits and vegetables or other obvious exceptions.
9. Tables, scales, change, bags and advertising signs are to be provided by each vendor. Each vendor determines his or her own price. Scales must be certified by the State Division of Weights and Measures.
10. The market fee is 5% of gross sales for the day, due and payable before leaving the market. Sales tax is the responsibility of each vendor.
11. The Association reserves the right to cancel the privileges of any vendor who, in the opinion of the Board of Directors, has willfully violated the rules and regulations governing the market.

DIRECT MARKETING RESOURCES

National, Regional and State Resources

Idaho State Department of Agriculture

Website: www.agri.state.id.us

The Division of Agricultural Marketing and Development at the Idaho State Department of Agriculture offers informational workshops, pamphlets and funding resources.

United States Department of Agriculture

Website: www.ams.usda.gov/directmarketing

Office of Small Farms and Sustainable

Development - E-mail: small-farm@usda.gov or call the Cooperative State Research, Education, and Extension Service - Small Farm InfoLine: (800) 583-3071.

North American Farmers' Direct Marketing

Association - Website: www.nafdma.com, E-mail: nafdma@map.com, or write to: 62 White Loaf Road, Southhampton, MA 01073, Tel: (888) 884-9270, Fax: (413) 529-2471.

USDA Rural Development – Rural Business/ Cooperative Development. Contact Terry Stigile via e-mail at tstigile@rurdev.usda.gov or call (208) 378-5623.

Regional Groups

Inland Northwest Community Food Systems Task Force –

Website: www.idaho.edu/ag/environment/sustain/inwcfs

Pacific North West Farm Direct Marketing

Association – E-mail John Thompson at tomfarm@wolfnet.com or call (509) 653-2589.

University of Idaho

Cooperative Extension System

Those listed have identified themselves as having farmers' market services. However, help may also be available from your local extension office if not listed.

Ada County Extension

5880 Glenwood Ave.

Boise, ID 83714

Tel: (208) 377-2107

Fax: (208) 375-8715

Susan M. Bell

Blaine County Extension

PO Box 216

121 N. River Street

Hailey, ID 83333

Tel: (208) 788-5585

Fax: (208) 788-5587

JoAnn Robbins

jrobbins@uidaho.edu

Bannock County Extension

P.O. Box 4228

130 N. 6th Ave., Suite B

Pocatello, ID 83205

Tel: (208) 236-7310

Fax: (208) 236-7316

Chuck Gertsch

Bingham County Extension

P.O. Box 279

132 S. Shilling

Blackfoot, ID 83221

Tel: (208) 785-8060

Fax: (208) 785-8062

Brian Finnigan

Boundary County Extension

P.O. Box 267
6447 Kootenai
Bonners Ferry, ID 83805
Tel: (208) 267-3235
Fax: (208) 267-3056
David Wattenbarger

Bonner County Extension

P.O. Box 1526
Sandpoint, ID 83864
Tel: (208) 263-8511
Fax: (208) 263-6191
Terry Finnerty

Bonneville County Extension

2925 Rollandet
Idaho Falls, ID 83402
Tel: (208) 529-1390
Fax: (208) 529-1391
Wayne Jones

Kootenai County Extension

106 E. Dalton Ave.
Coeur d'Alene, ID 83815
Tel: (208) 667-6426
Fax: (208) 664-4470
Vickie Parker-Clark
vparkerclark@uidaho.edu



Publications Available From the Idaho State Department of Agriculture:

“To Market! To Market!” *Promotional ideas that will bring customers to your farmers’ market.* Lauren Kelly Smith and Cathy Roth, University of Massachusetts. Contact the ISDA at (208) 332-8530 for a free copy.

“Produce Handling for Direct Marketing” Northeast Regional Agricultural Engineering Service. Contact the ISDA at (208) 332-8530 for a free copy.

“Marketing Tips for Farmers’ Market Vendors.” Prepared by the Idaho State Department of Agriculture. Contact the ISDA at (208) 332-8530 for a free copy.

“Creating Silent, Persuasive Displays.” Prepared by the Idaho State Department of Agriculture. Contact the ISDA at (208) 332-8530 for a free copy.

Other Useful Publications:

“Dynamic Farmers’ Marketing!” *A Guide to Successfully Selling your Farmers’ Market Products.* Jeff Ishee. Available from Bittersweet Farmstead, P.O. Box, Middlebrook, VA 24459. \$14.95.

“Growing for Market” *A journal of news and ideas for market gardeners.* Available from Fairplain Publications, P.O. Box 365, Auburn, KS 66402.

DIRECT MARKETING RESOURCES

“Marketing your produce directly to customers.” Vickie Parker-Clark, University of Idaho Extension System, Kootenai County, 106 Dalton Ave. Coeur d’Alene, ID 83814. Tel: (208) 667-6426.

“Farmers and their Diversified Horticultural Marketing Strategies.” Video. Available from NRAES, Cooperative Extension, 152 Riley-Robb Hall, Ithaca, NY 14853-5701. Website: www.nraes.org \$15.00.

Funding Sources

The Idaho State Department of Agriculture administers the **Idaho Rural Rehabilitation Loan Program** to offer financing and assistance to individuals and organizations in Idaho whose agricultural projects or efforts will provide for rural economic development in Idaho and who cannot obtain credit from conventional sources. Contact ISDA at (208) 332-8530 for more information.

The Rural Information Center at the National Agriculture Library, Beltsville, Maryland publishes several guides that are very useful in linking individuals and funding sources. To obtain a free copy of any of the guides, please call toll free: (800) 633-7701.

1. **“A Guide to Funding Resources.”** Compiled by Katherine St. John; (Rural Information Center Publication Series #56). A general guide to finding and applying for several different funds.
2. **“Federal Funding Sources for Rural Areas.”** Compiled by M. Louise Reynnells (Rural

Information Center Publication Series #66). Specifics on federal resources related to rural areas.

3. **“Rural Health Services Funding: A Resource Guide.”** Compiled by Jenny F. Harriman (Rural Health Information Center Publication Series #63).
4. **“Capital Assistance Funding: A Rural Health Resource Guide.”** These are available at the Rural Information Center website at: <http://www.nal.usda.gov/ric/ruralres/funding.htm>.

In Addition:

“A Guide to USDA and Other Federal Resources for Sustainable Agriculture and Forestry Enterprises,” By Romana A. Vysatova and Laurie S. Z. Greenberg; Edited by Valerie Berton The entire guide can be viewed at the following website: <http://www.attra.org>.

To obtain a free copy of this guide, please contact *one* of the following:

The Appropriate Technology Transfer for Rural Areas (ATTRA) Program
P. O. Box 3657
Fayetteville, AR 72702
Toll free: (800) 346-9140; Fax: (501) 442-9842

Michael Fields Agricultural Institute
W. 2493 City Road ES
East Troy, WI 53120-9271
Tel: (414) 642-3303; Fax: (414) 642-4028

The Sustainable Agriculture Research and
Education (SARE) Program
2121 Ag/Life Sciences Surge Building
University of Maryland
College Park, MD 20742-3358
Tel: (301) 405-3186; Fax: (301) 314-7373

*Please be sure to give your complete name and
address.*